

REMARKS

This Amendment After Final Rejection is being submitted in response to the Office Action mailed in this application on June 16, 2006. By this amendment, claim1 has been amended. Accordingly, claims 1-3, 5, 7, 8, 10, 11, 14, 19 and 20 remain pending in this application. Entry of this amendment, and reconsideration of this application, are respectfully requested.

First, Applicants appreciate the indication that the drawings have been accepted.

Next, Applicants note that the Office Action Summary sheet PTOL-326 indicates the specification is objected to by the Examiner. There is no discussion of an objection in the Detailed Action. Clarification is requested.

With respect to the finality of the Action, Applicants submit that nothing they did necessitated the new ground of rejection. The new ground rejects claims 8 and 20. Claim 8 is an original claim. Clearly there can be no argument that an original claim required a new ground of rejection. Claim 20 was a new claim. However, Applicants submit it was their persuasive argument against the rejection of claims 1 and 8 over Byars, et al. in view of Barak, et al. that convinced the Examiner to provide a new ground of rejection. It was not any amendment that necessitated the new ground. Accordingly, Applicants request that the finality of the last Action be withdrawn.

Turning to the Action on the merits, claims 1-3, 5, 7, 10-11 and 19 were rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6494852 (Barak, et al.). Applicants respectfully traverse this rejection.

Barak, et al. is directed to a device in which the thickness of the sleeve is reduced by providing interconnected compartments within each cell. The approach Barak, et al. have taken to making the device portable is to focus on reducing the thickness of the sleeve so that a reduced volume of air is needed to apply a suitable pressure to the limb. Barak, et al. have not been concerned with reducing the number of cells by identifying which cells are instrumental to the operation of the device. Moreover, the device of Barak, et al. includes one or more cells applied to the thigh. By this amendment, Applicants have limited the claims to exclude one or more cells applied to the thigh. Therefore, Applicants submit that the claims are not anticipated by Barak et al., and they request that this rejection be withdrawn.

Next, claims 8 and 20 were rejected under 35 U.S.C. §103(a) as being unpatentable over Barak, et al. in view of U.S. Patent No. 6589194 ("Calderon"). Applicants traverse this rejection as well.

According to the Action, Calderon is cited for suggesting a sock may be worn by the user and is interposed between the sleeve and the limb of a device like the device of the claimed invention. However, whether or not this is correct, this does nothing to overcome the deficiencies of Barak, et al. Accordingly, Applicants request that this rejection be withdrawn.

Finally, claim 14 was rejected under 35 U.S.C. §103(a) as being unpatentable over Barak, et al. Applicants traverse this rejection.

As noted above, Barak, et al. is directed to a device in which the thickness of the sleeve is reduced by providing interconnected compartments within each cell. The approach Barak, et al. have taken to making the device portable is to focus on reducing the thickness of the sleeve so that a reduced volume of air is needed to apply a suitable pressure to the limb. Barak, et al. have not been concerned with reducing the number of cells by identifying which cells are instrumental to the operation of the device. Moreover, the device of Barak, et al. includes one or more cells applied to the thigh. By this amendment, Applicants have limited the claims to exclude one or more cells applied to the thigh. Further, while Applicants' claimed invention focuses on providing cells below the knee of the patient in order to provide effective treatment to the patient, Barak, et al. suggests that the number of cells can vary but says nothing concerning the positions of those cells. Barak, et al. presents the device as including a thigh cuff. (See, for example, Figures 1 and 2.) Given that Barak, et al. is concerned with making the device portable, and this is done by reducing the thickness of the sleeve so that a reduced volume of air is needed to apply pressure, it follows that if Barak, et al. believed the device would be effective without the presence of a thigh cuff, it would have been eliminated. It is not.

For these reasons, Applicants submit that Barak, et al. does not suggest the claimed invention. Accordingly, Applicants request that this rejection be withdrawn.

In view of the foregoing, withdrawal of the finality of the last Action, entry of this amendment, reconsideration of the application, and allowance of the application with claims 1-3, 5, 7, 8, 10, 11, 14, 19 and 20, are all respectfully requested.

Respectfully submitted,

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